Chap.		Sec.	Chap.	Sec.
63.	Farmer-to-Consumer Direct Mar-		103.	Agricultural Research, Extension,
	keting	3001		and Education Reform 7601
64.	Agricultural Research, Extension,	0101	104.	Plant Protection 7701
~ =	and Teaching	3101	105.	Hass Avocado Promotion, Re-
65.	Wheat and Wheat Foods Research	0.401	100	search, and Information 7801
00	and Nutrition Education	3401	106.	Commodity Programs
66.	Agricultural Foreign Investment	0501	107.	Renewable Energy Research and
67	Disclosure	3501	108.	Development 8101 Tree Assistance Program 8201
67.	Implementation of International	3601	108.	Animal Health Protection 8301
68.	Sugar Agreement, 1977 Agricultural Subterminal Facilities	3701	110.	Enhancing Controls on Dangerous
69.	Swine Health Protection	3801	110.	Biological Agents and Toxins 8401
70.	Animal Cancer Research	3901		Diological rigents and Tokins 0101
71.	Agricultural Trade Suspension Ad-	0001	C	HAPTER 1—COMMODITY EXCHANGES
• - •	justment	4001	Sec.	
72.	National Agricultural Cost of Pro-		1.	Short title.
	duction Standards Review Board		1a.	Definitions.
	[Omitted]	4101	2.	Jurisdiction of Commission; liability of prin-
73 .	Farmland Protection Policy	4201		cipal for act of agent; Commodity Futures
74.	Floral Research and Consumer In-			Trading Commission; transaction in inter-
	formation	4301		state commerce. (a) Jurisdiction of Commission; Commod-
75 .	International Carriage of Perish-			ity Futures Trading Commission.
	able Foodstuffs	4401		(b) Transaction in interstate commerce.
76 .	Dairy Research and Promotion	4501		(c) Agreements, contracts, and trans-
77.	Honey Research, Promotion, and			actions in foreign currency, govern-
	Consumer Information	4601		ment securities, and certain other
78.	Agricultural Productivity Research			commodities.
	[Repealed]	4701		(d) Excluded derivative transactions.(e) Excluded electronic trading facilities.
79 .	Pork Promotion, Research, and			(f) Exclusion for qualifying hybrid in-
	Consumer Information	4801		struments.
80.	Watermelon Research and Pro-			(g) Excluded swap transactions.
	motion	4901		(h) Legal certainty for certain trans-
81.	National Commission on Agri-			actions in exempt commodities.
	culture and Rural Development	2 001		(i) Application of commodity futures laws.
00	Policy [Omitted]	5001	2a. to	4a. Transferred.
82.	State Agricultural Loan Mediation	F101	5.	Findings and purpose.
00	Programs	5101		(a) Findings.
83.	Agricultural Competitiveness and	F001		(b) Purpose.
84.	Trade	5201	6.	Regulation of futures trading and foreign transactions.
04.	National Nutrition Monitoring and Related Research	5301		(a) Restriction on futures trading.
85.	Administration of Environmental	9901		(b) Regulation of foreign transactions by
oo.	Programs	5401		United States persons.
86.	Water Quality Research, Edu-	9401		(c) Public interest exemptions.
o u.	cation, and Coordination	5501		(d) Effect of exemption on investigative
87.	Export Promotion	5601	6a.	authority of Commission. Excessive speculation.
88.	Research	5801	oa.	(a) Burden on interstate commerce; trad-
89.	Pecan Promotion and Research	6001		ing or position limits.
90.	Mushroom Promotion, Research,			(b) Prohibition on trading or positions in
	and Consumer Information	6101		excess of limits fixed by Commis-
91.	Lime Promotion, Research, and			sion.
	Consumer Information	6201		(c) Applicability to bona fide hedging
92.	Soybean Promotion, Research, and			transactions or positions. (d) Persons subject to regulation; appli-
	Consumer Information	6301		cability to transactions made by or
93.	Processor-Funded Milk Promotion			on behalf of United States.
	Program	6401		(e) Rulemaking power and penalties for
94.	Organic Certification	6501		violation.
95.	Rural Revitalization Through For-		6b.	Fraud, false reporting, or deception prohibited.
	estry	6601		(a) Contracts designed to defraud or mis-
96.	Global Climate Change	6701		lead; bucketing orders.
97.	Fresh Cut Flowers and Fresh Cut			(b) Buying and selling orders for com-
	Greens Promotion and Informa-			modity.
	tion	6801		(c) Inapplicability to transactions on for-
98.	Department of Agriculture Reorga-		0	eign exchanges.
	nization	6901	6c.	Prohibited transactions.
99.	Sheep Promotion, Research, and			(a) In general.(b) Regulated option trading.
	Information	7101		(c) Regulations for elimination of pilot
100.	Agricultural Market Transition	7201		status of commodity option trans-
101.	Agricultural Promotion	7401		actions; terms and conditions of op-
102.	Emergency Food Assistance	7501		tions trading.

7a.

Sec.

- (d) Dealer options exempt from subsections (b) and (c) prohibitions; requirements.
- (e) Rules and regulations.
- (f) Nonapplicability to foreign currency options.

(g) Oral orders

- 6d. Dealing by unregistered futures commission merchants or introducing brokers prohibited; duties in handling customer receipts; rules to avoid duplicative regulations.
 - (a) Registration requirements; duties of merchants in handling customer receipts.
 - (b) Duties of clearing agencies, depositories, and others in handling customer receipts.
 - (c) Rules to avoid duplicative regulation of dual registrants.
- 6e. Dealings by unregistered floor trader or broker prohibited.
- 6f. Registration and financial requirements; risk assessment.
 - (a) Registration of futures commission merchants, introducing brokers, and floor brokers and traders.
 - (b) Financial requirements for futures commission merchants and introducing brokers.
 - (c) Risk assessment for holding company systems.
- 6g. Reporting and recordkeeping.
 - (a) In general.
 - (b) Daily trading records: registered entities.
 - (c) Daily trading records: floor brokers, introducing brokers, and futures commission merchants.
 - (d) Daily trading records: form and reports.
 - (e) Disclosure of information.
 - (f) Authority of Commission to make separate determinations unimpaired.
- 6h. False self-representation as registered entity member prohibited.
- Reports of deals equal to or in excess of trading limits; books and records; cash and controlled transactions.
- 6j. Restrictions on dual trading in security futures products on designated contract markets and registered derivatives transaction execution facilities.
 - (a) Issuance of regulations.
 - (b) "Dual trading" defined.
 - (c) "Broker association" defined.
- 6k Registration of associates of futures commission merchants, commodity pool operators, and commodity trading advisors; required disclosure of disqualifications; exemptions for associated persons.
- 61. Commodity trading advisors and commodity pool operators; Congressional finding.
- 6m. Use of mails or other means or instrumentalities of interstate commerce by commodity trading advisors and commodity pool operators; relation to other law.
- 6n. Registration of commodity trading advisors and commodity pool operators; application; expiration and renewal; record keeping and reports; disclosure; statements of account.
- 60. Fraud and misrepresentation by commodity trading advisors, commodity pool operators, and associated persons.
- 60-1. Special procedures to encourage and facilitate bona fide hedging by agricultural producers.
 - (a) Authority.
 - (b) Report.

Sec.6p. Standards and examinations.

Designation of boards of trade as contract markets.

- (a) Applications.
- (b) Criteria for designation.
- (c) Existing contract markets.
- (d) Core principles for contract markets.(e) Current agricultural commodities.
- Derivatives transaction execution facilities.
- (a) In general.
 - (b) Requirements for trading.
 - (c) Criteria for registration.
 - (d) Core principles for registered derivatives transaction execution facilities.
 - (e) Use of broker-dealers, depository institutions, and farm credit system institutions as intermediaries.
 - (f) Segregation of customer funds.
 - (g) Election to trade excluded and exempt commodities.
- 7a-1. Derivatives clearing organizations.
 - (a) Registration requirement.
 - (b) Voluntary registration.
 - (c) Registration of derivatives clearing organizations.
 - (d) Existing derivatives clearing organizations.
 - (e) Appointment of trustee.
 - (f) Linking of regulated clearing facili-
- 7a-2. Common provisions applicable to registered entities.
 - (a) Acceptable business practices under core principles.
 - (b) Delegation of functions under core principles.
 - (c) New contracts, new rules, and rule amendments.
 - (d) Violation of core principles.
 - (e) Reservation of emergency authority.
 - (f) Rules to avoid duplicative regulation of dual registrants.
- 7a-3. Exempt boards of trade.
 - (a) Election to register with the Commission.
 - (b) Criteria for exemption.
 - (c) Antimanipulation requirements.
 - (d) Price discovery.
 - (e) Jurisdiction.
 - (f) Subsidiaries.
 - (g) Misrepresentation of status.
- 7b. Suspension or revocation of designation as registered entity.
 7b-1. Designation of securities exchanges and asso-
- ciations as contract markets.
- 7b-2. Privacy

8.

- (a) Treatment as financial institutions.
- (b) Treatment of CFTC as Federal functional regulator.
- Application for designation as contract market or derivatives transaction execution facility; time; suspension or revocation of designation; hearing; review by court of ap-
- Exclusion of persons from privilege of "registered entities"; procedure for exclusion; review by court of appeals.
- a. Assessment of money penalties.
 - Rules prohibiting deceptive and other abusive telemarketing acts or practices.
- 9c. Notice of investigations and enforcement actions.
- 0. Repealed.
- 10a. Cooperative associations and corporations, exclusion from board of trade; rules of board inapplicable to payment of compensation by association.
- 11. Vacation on request of designation or registration as "registered entity"; redesignation or reregistration.

13b.

Sec. 12.

Public disclosure.

- (a) Investigations respecting operations of boards of trade and others subject to this chapter; publication of results; restrictions; information received from foreign futures authorities; undercover operations; notice of investigations and enforcement actions.
- (b) Business matters; congressional, administrative, judicial, and bankruptcy proceedings.
- (c) Reports respecting conduct of registered entities or transactions of violators; contents.
- (d) Investigations respecting marketing conditions of commodities and commodity products and byproducts; reports.
- (e) Names and addresses of traders of boards of trade previously disclosed; disclosure to Congress and agencies or departments of States or foreign governments or foreign futures authority.
- (f) Compliance with subpoena after notice to informant; congressional subpoenas and requests for information excepted.
- (g) Requests for information by State agencies or subdivisions; volunteering of information by Commission.
- (h) Omitted.
- (i) Review and audits by Comptroller General.

12-1 to 12-3. Omitted.

- Registration of commodity dealers and asso-12a. ciated persons; regulation of registered en-
- 12b. Trading ban violations; prohibition.
- Disciplinary actions. 12c
 - (a) Action taken; written notice of reasons for action.
 - (b) Review by Commission.
 - (c) Affirmance, modification, set aside, or remand of action.
 - Stay of action.
- (e) Major disciplinary rule violations.
- 12d. Commission action for noncompliance with export sales reporting requirements.
- 12e. Repealed.
- Violations generally; punishment; costs of 13. prosecution.
 - (a) Felonies generally.

 - (b) Suspension of convicted felons.(c) Transactions by Commissioners and Commission employees prohibited.
 - Use of information by Commissioners and Commission employees prohibited.
 - (e) Redesignated (d).
- (f) Insider trading prohibited. Violations, prohibition against dealings in 13-1. onion futures; punishment.
- 13a. Nonenforcement of rules of government or other violations; cease and desist orders; fines and penalties; imprisonment; misdemeanor; separate offenses.
- 13a-1.Enjoining or restraining violations.
 - (a) Action to enjoin or restrain viola-
 - (b) Injunction or restraining order.
 - (c) Writs or other orders.
 - (d) Civil penalties.
 - (e) Venue and process.
 - (f) Action by Āttorney General.
 - Notice to Attorney General of action brought by Commission.
 - (h) Notice of investigations and enforcement actions.

Sec. 13a-2.Jurisdiction of States.

Manipulations or other violations; cease and desist orders against persons other than registered entities; punishment; demeanor or felony; separate offenses

13c. Responsibility as principal; minor violations.

14. Repealed.

15. Enforcement powers of Commission.

15a. Repealed.

15b. Cotton futures contracts.

- (a) Short title.
- (b) Repeal of tax on cotton futures.
- (c) Definitions.
- (d) Bona fide spot markets and commercial differences.
- (e) Form and validity of cotton futures contracts.
- (f) Basis grade contracts.
- (g) Tendered grade contracts.
- (h) Specific grade contracts.
- (i) Liability of principal for acts of agent.
- (j) Regulations.
- (k) Violations.
- (l) Applicability to contracts prior to effective date.
- (m) Authorization.

16. Commission operations.

- (a) Cooperation with other agencies.
- (b) Employment of investigators, experts, Administrative Law Judges, consultants, clerks, and other personnel; contracts.
- (c) Expenses.
- (d) Authorization of appropriations.
- (e) Relation to other law, departments, or agencies.
- (f) Investigative assistance to foreign futures authorities.
- (g) Computerized futures trading.
- Service fees and National Futures Association study.
 - (a) Development and implementation of plan for user fees; report to and approval by Congressional committees.
 - (b) National Futures Association regulatory experience; report; contents.
 - (c) Schedule of fees for services, activities and functions; notice and hearing; actual cost standard.

17. Separability.

16a.

18.

19.

Separability of 1936 amendment. 17a.

Separability of 1968 amendment. 17b.

Complaints against registered persons.

- (a) Petition for actual damages.
 - (b) Rules and regulations; control over right of appeal.
 - Bond requirement when complainant is nonresident; waiver.
 - (d) Enforcement of reparation award.
 - (e) Review.
 - (f) Automatic bar from trading and suspension for noncompliance; effect of
 - (g) Predispute resolution agreements for institutional customers.
- Consideration of costs and benefits and antitrust laws.
 - (a) Costs and benefits.
- (b) Antitrust laws.

20. Market reports.

- (a) Information.
- (b) Avoidance of duplication.
- (c) Furnishing of information; confidentiality.
- (d) Disclosure of business transactions, market positions, trade secrets, or names of customers.

Sec.

(e) Application.

21 Registered futures associations.

- (a) Registration statement.
- (b) Standards for registration; Commission findings.
- (c) Suspension of registration.
- (d) Fees and charges.
- (e) Registered persons not members of registered associations.
- (f) Denial of registration.
- Withdrawal from registration; notice of withdrawal.
- (h) Commission review of disciplinary actions taken by registered futures associations.
- (i) Notice; hearing; findings; cancellation, reduction, or remission of penalties; review by court of appeals.
- (j) Changes or additions to association
- (k) Abrogation of association rules; requests to associations by Commission to alter or supplement rules.
- (1) Suspension and revocation of registration; expulsion of members; removal of association officers or directors.
- (m) Rules requiring membership in associations.
- (n) Reports to Congress.
- (o) Delegation to futures associations of registrative functions; tionary review by Commission; judicial appeal.
- (p) Establishment of rules for futures associations; approval by Commis-
- (q) Major disciplinary rule violations.
- (q) Program for implementation of rules.
- (r) Rules to avoid duplicative regulation of dual registrants.
- 22. Research and information programs; reports to Congress.
- 23. Standardized contracts for certain commod-
 - (a) Margin accounts or contracts and leverage accounts or contracts prohibited except as authorized.
 - (b) Permission to enter into contracts for delivery of silver or gold bullion, bulk silver or gold coins, or platinum; rules and regulations.
 - (c) Survey of persons interested in engaging in transactions of silver and gold, etc.; assistance of futures association; regulations.
 - (d) Savings provision.
- 24. Regulations respecting commodity broker debtors: definitions.
- Private rights of action. 25
 - (a) Actual damages; actionable transactions: exclusive remedy.
 - (b) Liabilities of organizations and individuals; bad faith requirement; exclusive remedy.
 - (c) Jurisdiction; statute of limitations; venue; process.
 - (d) Dates of application to actions.
- 26. Repealed. 27
 - Definitions.
 - (a) Bank.
 - (b) Identified banking product.
 - (c) Hybrid instrument.
 - (d) Covered swap agreement.
- Exclusion of identified banking products com-27a. monly offered on or before December 5, 2000. 27b.
 - Exclusion of certain identified banking products offered by banks after December 5, 2000

Sec. 27c.

Exclusion of certain other identified banking products.

- (a) In general.
- (b) Predominance test.
- (c) Mark-to-market margining requirement.

27d. Administration of the predominance test.

- (a) In general.
- (b) Consultation.
- (c) Objection to Commission regulation.

Exclusion of covered swap agreements. 27e.

- Contract enforcement.
 - (a) Hybrid instruments.
 - (b) Covered swap agreements.
 - (c) Preemption.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 15b, 16a, 27a, 27b, 27c, 27d, 27e, 27f, 499n, 1502, 7331 of this title; title 2 section 1602; title 11 section 761; title 12 sections 4421, 4422; title 15 sections 78c, 78f, 78i, 78o, 78q-1, 80a-9, 80b-3, 431, 6809, 6827; title 26 section 277; title 31 section 5312.

§ 1. Short title

This chapter may be cited as the "Commodity Exchange Act.'

(Sept. 21, 1922, ch. 369, §1, 42 Stat. 998; June 15, 1936, ch. 545, §1, 49 Stat. 1491.)

PRIOR PROVISIONS

This chapter superseded act Aug. 24, 1921, ch. 86, 42 Stat. 187, known as "The Future Trading Act," act was declared unconstitutional, at least in part, in Hill v. Wallace, III. 1922, 42 S.Ct. 453, 259 U.S. 44, 66 L.Ed. 822. Section 3 of that act was found unconstitutional as imposing a penalty in $Trusler\ v.\ Crooks,\ Mo.\ 1926,\ 46\ S.Ct.\ 165,\ 269\ U.S.\ 475,\ 70\ L.Ed.\ 365.$

1936-Act June 15, 1936, substituted "Commodity Exchange Act" for "The Grain Futures Act".

Effective Date of 1936 Amendment

Section 13 of act June 15, 1936, provided that: "All provisions of this Act [see Tables for classification] authorizing the registration of futures commission merchants and floor brokers, the fixing of fees and charges therefor, the promulgation of rules, regulations and orders, and the holding of hearings precedent to the promulgation of rules, regulations, and orders shall be effective immediately. All other provisions of this Act shall take effect ninety days after the enactment of this Act [June 15, 1936].'

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–554, $\S1(a)(5)$ [$\S1(a)$], Dec. 21, 2000, 114 Stat. 2763, 2763A-365, provided that: "This Act [H.R. 5660, as enacted by section 1(a)(5) of Pub. L. 106-554, enacting sections 5, 6o-1, 7 to 7a-3, 7b-1, 7b-2, 9c, and 27 to 27f of this title, sections 781 to 784 of Title 11, Bankruptcy, sections 339a, 4421, and 4422 of Title 12, Banks and Banking, and sections 77b-1 and 78c-1 of Title 15, Commerce and Trade, amending sections 1a, 2, 2a, 4, 4a, 6 to 6m, 6p, 7a-2, 7b, 8 to 9a, 10a, 11, 12, 12a to 12c, 13, 13a to 13b, 16, 18 to 21, and 25 of this title, sections 101, 103, 109, and 761 of Title 11, sections 624 and 4402 of Title 12, and sections 77b, 77c, 77l, 77q, 78c, 78f, 78g, 78i, 78j, 78k-1, 78l, 780, 780-3, 78p, 78q, 78q-1, 78s, 78t, 78u, 78u-1, 78bb, 78ee, 78ccc, 78lll, 80a-2, 80b-2, and 80b-3 of Title 15, repealing sections 5, 7, 7a, and 12e of this title, and enacting provisions set out as notes under this section, section 2 of this title, and section 78c of Title 15] may be cited as the 'Commodity Futures Modernization Act of 2000'.

Pub. L. 106–554, $\S1(a)(5)$ [title IV, $\S401$], Dec. 21, 2000, 114 Stat. 2763, 2763A-457, provided that: "This title [title IV of H.R. 5660, as enacted by section 1(a)(5) of Pub. L.